



Patent Application
Docket No. UF-243X
Serial No. 09/648,864

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Janet L. Andres, Ph.D.
Art Unit : 1646
Applicants : Howard M. Johnson, Mustafa G. Mujtaba
Serial No. : 09/648,864
Filed : August 25, 2000
Conf. No. : 6790
For : Materials and Methods for Inhibition of IgE Production

Considered
J. H. H.
10-07-03

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF HOWARD M. JOHNSON, Ph.D. UNDER 37 CFR §1.132

Sir:

I, Howard M. Johnson, Ph.D., hereby declare:

THAT, I am a co-inventor of the subject matter claimed in U.S. patent application Serial No. 09/648,864 (hereinafter the '864 application);

THAT, I have read and understood the '864 application;

THAT, I have read and understood the rejection of claims in the Office Actions mailed January 28, 2002, October 21, 2002, and May 19, 2003 in the '864 application;

AND, being thus duly qualified, do further declare:

The claims of the subject application are rejected under 35 USC §103(a) as obvious over the publications by Pene *et al.* (1988), Gruschwitz *et al.* (1993), or Kimata *et al.* (1995), and further in view of Johnson *et al.* (WO 97/39127). The Examiner asserts that the cited primary references teach the use of interferon alpha to downregulate IgE production. While acknowledging that the primary references do not teach that interferon tau can downregulate IgE production, the Examiner asserts that it would have been obvious to substitute interferon tau for interferon alpha in view of the Johnson *et al.* reference which, according to the Examiner, teaches that interferon alpha and interferon tau bind to the type I receptor and have similar